

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**FRANCISCO ECHEVERRIA**

**Plaintiff,**

**V.**

**JOSE L. PULIDO, MANUEL ACOSTA,  
MANUEL ACOSTA D/B/A ACOSTA  
TRUCKING A/K/A ACOSTA TRANSPORT**

**Defendants.**

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

**C.A. NO. 4:13-CV-468**

**NOTICE OF REMOVAL**

Defendants, **JOSE L. PULIDO, MANUEL ACOSTA, MANUEL ACOSTA D/B/A ACOSTA TRUCKING A/K/A ACOSTA TRANSPORT**, through undersigned counsel, petition this court pursuant to 28 U.S.C. § 1441 for removal of this action currently filed in the 155<sup>th</sup> Judicial District Court of Waller County, Texas. In support of this petition, Defendant states as follows:

1. This action is being removed pursuant to federal diversity jurisdiction, provided for by 28 U.S.C. §1332 and §1441.

**BACKGROUND**

2. Plaintiff, Francisco Echevarria filed a Petition against Defendant alleging that the Defendant caused damages arising from a motor accident.

3. An action entitled *Francisco Echeverria v. Jose L. Pulido, Manuel Acosta, Manuel Acosta d/b/a Acosta Trucking a/k/a Acosta Transport*, Cause No. 12-09-21616, commenced in the 155<sup>th</sup> Judicial District Court of Waller County, Texas, on or about September 4, 2012.

4. Plaintiff has specifically plead damages of more than \$5,000,000.00. See Paragraph VIII of Plaintiff's First Amended Petition which was served on Defendant's counsel on February 20, 2013. Attached hereto as Exhibit "A."

5. This Notice of Removal is filed with this Court within thirty (30) days of service of an amended pleading in which it may be ascertained that the case is one which is or has become removable as required by 28 U.S.C. § 1446(b)(3).

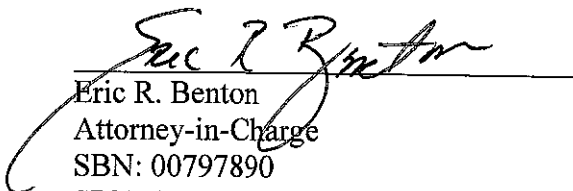
6. A copy of all pleadings and executed process on file in the District Court is being filed with this Notice of Removal.

7. Because this is a civil action over which the district courts of the United States have original jurisdiction, pursuant to 28 U.S.C. § 1441, Defendant is entitled to remove this action to the United States District Court for the Southern District of Texas, Houston Division.

8. The District Clerk for Waller County, Texas, Plaintiff and Defendants have all been given written notice of the filing of this Notice of Removal.

Defendant, therefore, respectfully requests the removal of this action from the 155<sup>th</sup> Judicial District Court of Waller County, Texas.

Respectfully submitted,



Eric R. Benton  
Attorney-in-Charge  
SBN: 00797890  
SDN: 20751

2900 North Loop West, Suite 500  
Houston, Texas 77092  
Telephone: (713) 868-5560  
Facsimile: (713) 864-4671

**Attorney for Defendants,  
Jose L. Pulido, Manuel Acosta, Manuel  
Acosta d/b/a Acosta Trucking a/k/a  
Acosta Transport**

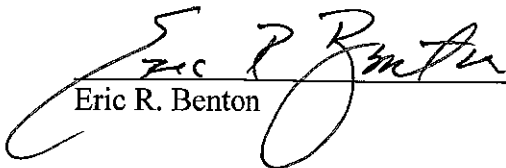
OF COUNSEL:

LORANCE & THOMPSON, P.C.

CERTIFICATE OF SERVICE

I hereby certify that on the 2<sup>nd</sup> day of February, 2013, a true and correct copy of the foregoing document was provided to all counsel of record by mail, e-file, or telefax transmission pursuant to the Federal Rules of Civil Procedure

Kurt B. Arnold  
M. Paul Skrabanek  
J. Kyle Findley  
Arnold & Itkin LLP  
1401 McKinney, Suite 2550  
Houston, TX 77010

  
Eric R. Benton